

U.S. DISTRICT COURT - N.D. OF N.Y.	
FILED	
NOV 24 2009	
AT ____ O'CLOCK ____	
Lawrence K. Baerman, Clerk - Syracuse	

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michale D. McMillian
AKA: Michael D. McMillian

Case Number: 5:09-CR-584

Name of Sentencing Judicial Officer: Honorable Todd J. Campbell, Chief U.S. District Judge for Middle TN transferred to Honorable Glen T. Suddaby, U.S. District Judge

Date of Original Sentence: July 9, 2007

Original Offense: Felon in Possession of Firearm

Original Sentence: 48 months imprisonment and 3 years supervised release

Type of Supervision: Supervised Release

Anticipated Release Date: 2/12/2010

PETITIONING THE COURT

- To extend the term of supervision for years, for a total term of years.
- To modify the conditions of supervision as follows:
1. You shall reside for a period of four (4) months in a residential reentry center or other suitable facility and shall observe the rules of that facility.
 2. You shall refrain from the use of alcohol while under supervision.
 3. You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

CAUSE

Michale D. McMillian (Michael D. McMillian in some paperwork) was sentenced on July 9, 2007, by the Honorable Todd J. Campbell, Chief U.S. District Judge for the Middle District of Tennessee to 48 months incarceration and three years of supervised release following a conviction for Felon in Possession of Firearm. McMillian is due to be released from the Bureau of Prisons in February 2010.

In September 2009, the U.S. Probation Office for Northern New York received correspondence from the Bureau of Prisons because McMillian submitted a request to relocate to this area, upon his release from prison. The plan was investigated and approved. Jurisdiction was transferred to the Northern District of New York and assigned to your Honor on October 30, 2009.

To prepare this case for supervision, we proposed a modification to add several conditions: four months in a Residential Re-Entry Center (to give McMillian time to become familiar with the community); no use of alcohol

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and the search condition. With the assistance of prison officials, the offender agreed to the modification and has signed Probation Form 49: Waiver of Hearing to Modify Conditions.

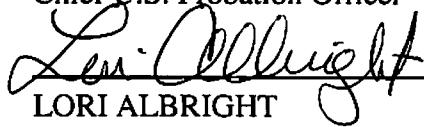
If the Court concurs with these modification, Probation Form 12b will need to be signed and filed with the Clerk's Office.

Respectfully submitted,

MATTHEW L. BROWN

Chief U.S. Probation Officer

by:

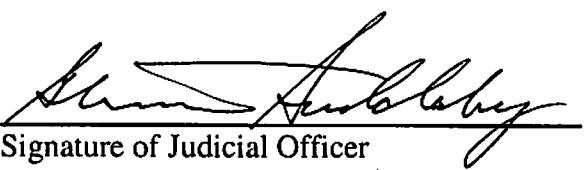

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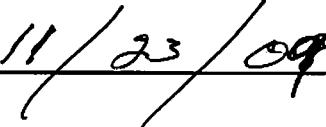
Supervising U.S. Probation Officer

Date: 11/19/2009

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other


Signature of Judicial Officer


Date

11/18/2009 WED 16:23 FAX 315 234 8701 US PROBATION OFFICE-SYR

003/003

PROB 49
NNYrev.9/02UNIT 6 TEAM
Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision**UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed. I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

1. You shall reside for a period of 4 months in a residential reentry center or other suitable facility and shall observe the rules of that facility.
2. You shall refrain from the use of alcohol while under supervision.
3. You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

Witness: B.S.Denry
BOP OfficialLia Allbright
U.S. Probation OfficerSigned: Michael McMillan
Supervised Releasee11/19/09
Date